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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,330	12/10/2003	Mark Chak		5057
7590	10/17/2005			
Ilya Zborovsky 6 Schoolhouse Way Dix Hills, NY 11746			EXAMINER SUKMAN, GABRIEL S	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/731,330

Applicant(s)

CHAK, MARK

Examiner

Gabriel S. Sukman

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 2, 7, and 8 are objected to because of the following informalities: it appears that the word "connected" in line 2 of claim 2 should be --connecting--; the phrase "said body aircraft body" in line 3 of claim 2 is incorrect as well. Appropriate correction is required.

Claims 7 and 8 depend from claim 2 and are therefore objected to as well.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,697,762 to Arney.

Figures 12 and 13, and the corresponding disclosure, of Arney discloses all of the limitations of claim 1. The floats (162) are impact reducing devices that are movable between an inoperative position close to the aircraft and an operative position away from the aircraft (the inoperative position shown in broken lines in figure 12 and the operative position shown in solid lines) to dampen the impact upon landing. The floats form a plate-shaped element (in that they are flat and generally planar) and extend in a longitudinal direction from the rear end to a front end of the aircraft body. The floats are

Art Unit: 3641

pivotally connected with the aircraft (at attachment means 168 and associated linkages) and pivot about a horizontal axis (although the float is shown to move translationally downward, it is nonetheless clear that the linkages provide for a pivotal connection). At the other end (the front end of the aircraft), the floats move away from the aircraft body as is shown in the figures.

Claim 2 is anticipated by Arney as well since the linkages (168) are pivot means to pivotally connect one end of the floats to the aircraft body.

Claims 7 and 8 are anticipated by Arney as well since Arney discloses inflatable bladders within the floats, which are air cushion means, and a means for inflating the bladders (see col. 9, line 57 through col. 10, line 26). The bladders are located between the plate element (bottom part of the float) and the aircraft body and is clearly taught to be inflatable so as to be inflated in the operative position and occupies space between the aircraft body and the bottom of the float (see specification previously cited and corresponding figures).

### ***Allowable Subject Matter***

Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not disclose or suggest the combination that would teach the aircraft with impact absorbing device as claimed in which either a spring

Art Unit: 3641

device is taught to push the front end of the plate-shaped element away from the body, a shock absorber is mounted so as to be movable from a horizontally extending position to a transversely and downwardly extending position, or in which a motor is taught to control a pulley and cable mechanism in order to move the end of the plate-shaped device toward the aircraft body into a retracted position.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,259,574 to Carrot

U.S. Patent No. 4,558,837 to Mens et al.

U.S. Patent No. 3,387,802 to Cruz

U.S. Patent No. 3,070,327 to Dornier et al.

U.S. Patent No. 2,844,339 to Stroukoff

U.S. Patent No. 2,837,303 to de Vall

International Application WO 94/13531 to Fisher

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel S. Sukman whose telephone number is (571) 272-6883. The examiner can normally be reached on M-F, 8:30-6:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gss



MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER